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9 COUNTY OF SHASTA

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

12 GERROLD B. LOVE,

Case No. CIV.S-04-0612 GEB PAN

13 Plaintiff,

**STIPULATION AND ORDER MODIFYING
STATUS (PRETRIAL SCHEDULING) ORDER**

14 vs.

15 MEDICAL DIRECTOR OF THE HIGH
16 DESERT STATE PRISON, DIRECTOR OF
17 THE MULE CREEK STATE PRISON AND
18 SHASTA COUNTY,

19 Defendants.
20 _____/

21 The parties to this action, by and through their respective
22 attorneys of record, agree and stipulate as follows:

23 1. Defendants Medical Director of High Desert State Prison and
24 the Medical Director of Mule Creek State Prison answered the complaint
25 on 10/22/04. Defendant Shasta County filed its answer on February 23,
26 2005.

27 2. Counsel for Shasta County inquired of all counsel, by letters
28 dated March 2, 2005, and May 9, 2005, regarding an initial disclosure
in this case. Shasta County proposed that the date for the initial
disclosures be June 8, 2005.

3. In response, plaintiff served his Rule 26(a) initial
disclosure on May 13, 2005. Defendant County of Shasta served its

1 Rule 26(a) initial disclosure on May 27, 2005.

2 4. In his initial disclosure, plaintiff has identified 11
3 medical providers. In the disclosure plaintiff provided what appears
4 to be a complete set of medical records from two of these providers,
5 and a few additional documents from other providers. Defendants have
6 not yet had an opportunity to conduct discovery or obtain complete
7 medical records for plaintiff from these medical providers.

8 5. According to the Court's scheduling order, the parties are
9 required to designate experts and provide expert reports no later than
10 June 15, 2005. However, Shasta County contends that this is not
11 feasible. There is insufficient time for Shasta county to subpoena
12 the records, obtain them, determine what experts are necessary, retain
13 those experts, provide plaintiff's records to the experts, and receive
14 a report from those experts.

15 6. The parties agree that good cause exists to modify the
16 scheduling order to extend the date for expert disclosures. Because
17 plaintiff's initial disclosure was not provided until May 13, 2005,
18 there has been an inadequate opportunity for discovery.

19 7. Therefore, the parties stipulate that they shall disclose
20 experts no later than July 15, 2005, and that expert reports shall be
21 provided no later than August 1, 2005. Any designation of rebuttal
22 experts shall also take place no later than August 1, 2005.

23 DATED: June __, 2005.

BRICKWOOD LAW OFFICE

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25 _____
26 MONIQUE GRANDAW
27 Attorneys for Defendants
28 SHASTA COUNTY

1 DATED: June __, 2005.

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3 _____
4 JOHN T. LARIMER, JR.
Attorneys for Plaintiff

5 DATED: June __, 2005.

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7 _____
8 STEPHEN J. EGAN
9 Attorneys for Defendants State of
10 California (erroneously sued as
11 California State Department of
12 Corrections) Dr. R. Sandham (as
13 Medical Director of the High
14 Desert State Prison) and Dr. N.
15 Baron (as Medical Director of the
16 Mule Creek State Prison)

17 **ORDER**

18 The parties having stipulated thereto, and good cause being
19 shown, it is hereby ordered that the Pre-trial Scheduling Order is
20 modified as follows:

21 1. Each party shall serve its disclosure of experts no later
22 than July 15, 2005.

23 2. Rebuttal expert witness disclosures authorized under Federal
24 Rule of Civil Procedure 26(a)(2) shall be made no later than August
25 1, 2005.

26 3. Expert reports required by Federal Rule of Civil Procedure
27 26(a)(2) shall be provided no later than August 1, 2005.

28 Dated: June 9, 2005

/s/ Garland E. Burrell, Jr.
GARLAND E. BURRELL, JR.
United States District Judge